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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
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7 TERRANCE WALKER,

8 Plaintiffs,

9 vs.

10 CHARTER COMMUNICATIONS INC., et al.,

11 Defendants.
12

3:15-cv-00556-RJC-CBC

ORDER

13 Plaintiff has filed a motion to strike (ECF No. 165) Defendants' Status Report (ECF No.
14 162) arguing that the Report should be stricken from the record, because it is an improper
15 attempt to petition the Court to depose individuals and propound additional document requests
16 after the close of discovery. The Court disagrees. Defendants' Status Report is not a motion.

17 Local Rule 26-3 instructs parties about what should be generally included in an interim
18 status report. The rule indicates that the parties should state in a status report whether any
19 "substantive motions" will affect the length of the trial or eliminate the need for a trial altogether.
20 Here, Defendants have expressly disavowed that their Status Report was offered as a motion
21 requesting relief from the Court. Defendants explained in their Response that they "merely
22 include[d] their intentions in the Status Report to inform the Court and to guide the Status
23 Conference now to be held on January 29, 2019." (Resp. 5:10–5:12, ECF No. 168.) Therefore,
24 the Status Report was a proper filing apprising the Court of substantive motions that might affect

1 a possible trial, as required by Local Rule 26-3. As Defendants' write, after the status
2 conference, they may "pursue a second summary judgment motion and move the Court for
3 additional discovery." (Resp. 5:13.) Their Status Report was not such a request.

4 **CONCLUSION**

5 IT IS HEREBY ORDERED that Plaintiff's Motion to Strike (ECF No. 165) is DENIED.

6 IT IS FURTHER ORDERED that Plaintiff's Motion to Stay (ECF No. 175) is DENIED.

7 IT IS SO ORDERED.

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9 Dated this 30th day of January, 2019.

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13 ROBERT C. JONES
14 United States District Judge
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